

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11456 of 2004

Between:

Smt. Silla Ammaji, W/o Sri Appa Rao
D.No. 24-1/1-6, Sunkari Street, Vizianagaram

..... PETITIONER

AND

- 1 The Assistant Commissioner, Endowment Department,
Lankapandri Veedhi, Vizianagaram
- 2 The Executive Officer, MANSAS., Vizianagaram

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to order on the representation made by the petitioner on 15-04-2004 for conducting an inquiry under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, and to issue consequential directions not to evict the petitioner from the land situated in S. NO. 1/16 and 21 of Dharmपुरi Village, Vizianagaram Mandal 7 District, without following the procedure as per Section 82(2) of the Endowment act, with out following due proces of law as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the Public policy and contrary to the provisions of Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987,

For the Petitioner: MR.VENKATESWARA RAO GUDAPATI, Advocate

For the Respondent No.1: GP FOR ENDOWMENTS

For the Respondent No.2:

The Court at the admission stage made the following ORDER:

This writ petition is filed by the petitioner claiming to be the tenant in respect of the land of an extent of Ac.1.15 cents in S.No.1/16 and 21 of Dharmapuri village, Vizianagarm District.

2. According to the petitioner, she has been continuing as tenant since the time of her ancestors. It is also stated that when the second respondent has come to the land in question and directed the petitioner to vacate the same, the petitioner approached the first respondent and made an application dated 15.04.2004 seeking a declaration that the petitioner is a landless poor person and therefore entitled for the benefits under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') read with G.O.Ms.No.379 Revenue (Endowment-I) Department dated 11.03.2003. Though, the said proceedings are still pending before the first respondent, the petitioner apprehends that the second respondent may dispossess her. Therefore, the petitioner has come up with the present writ petition.

3. Heard learned counsel for the petitioner and learned Standing Counsel for the second respondent.

4. The claim of the petitioner is that she is the tenant of land of an extent of Ac.1.15 cents in S.No.1/16 and 21 of Dharmapuri village, Vizianagarm District since the time of her ancestors and as such, she is entitled for the benefits of Section 82(2) of the Act. It is also her case that as she has no other land except the land in question, pending adjudication of her claim, she shall not be evicted, in view of the protection granted under Section 82(2) of the Act read with G.O.Ms.No.379 dated 11.03.2003.

5. Under the above circumstances, unless and until the first respondent – Assistant Commissioner, Endowments Department, Vizianagaram, decides the status of the petitioner, whether she is a

landless poor or not, the second respondent is not entitled to take any steps to get the petitioner evicted from the property in question.

6. Accordingly, the writ petition is disposed of directing the first respondent to decide the issue on the application made by the petitioner dated 15.04.2004 expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. Pending such adjudication, the second respondent is directed not to dispossess the petitioner.

07.07.2004

Note: Furnish CC in 3 days

B/o
va

To

- 1 The Assistant Commissioner, Endowment Department,
Lankapandri Veedhi, Vizianagaram
- 2 The Executive Officer, MANSAS., Vizianagaram
- 3 Two CD Copies
- 4 Two CCs to G.P. for Endowments, High Court of A.P. Buildings,
Hyderabad (OUT)